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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,110	12/17/2001	Dale R. Heron	GB 000193	2423

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT PAPER NUMBER

2617

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/023,110

Applicant(s)

HERON ET AL.

Examiner

Vivek Srivastava

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 5, 7, 10, 11 and 13 – 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Matthews, III et al (6,025,837).

Regarding claims 1 and 10, Matthews discloses a system and method for providing multimedia services to a digital television receiving apparatus. Matthews discloses a settop box for receiving digital signals wherein the settop box or interface means can be located within the television (see col 5 lines 5 – 65) and thus discloses the claimed 'digital television'. Matthews further discloses providing EPG to the receiving apparatus (see fig 2 and fig 5). It should be noted that the EPG provides 'advance information related to the scheduled broadcast time of material to be broadcast'. Matthews further discloses providing a user with supplemental content to the EPG information and programs to be broadcast (see col 7 lines 9 – 31, fig 2). Matthews further discloses that supplemental content is pre-cached or pre-stored in advance of the program (see col 7 lines 9 – 30, col 10 lines 1 – 10).

Regarding claims 2 – 3, Matthews discloses providing a user with supplemental content for programming in an EPG. Referring to figure 7, Matthews discloses an EPG screen wherein a user can scroll to view supplemental content including supplemental content for programming which is currently on i.e. programming which is on at 8 pm

Regarding claim 4, Matthews discloses the scheduled television program and advance information is provided to the receiving apparatus by an electronic programme guide facility (fig. 2 and fig. 5).

Regarding claim 5, Matthews discloses in which the material to be broadcast is a television program (see col 7 lines 9 – 21).

Regarding claim 7, Matthews discloses receiving the multi-media information via the Internet and the claimed URL (see fig. 2).

Regarding claim 11, Matthews discloses the claimed set-top box facility (see col 5 lines 51 – 65).

Claim 13 is met by the discussions above.

Regarding claim 14, Matthews discloses storing an EPG and thus discloses storing information relating to forthcoming programmes and discloses initiating the receiving apparatus to search the Internet to retrieve supplemental content based on a URL (see fig 2, col 8 lines 5 – 20).

Regarding claim 15, Matthews discloses the claimed “wherein the digital television apparatus is in the form of a set-top-box and further includes an output for providing an output signal to an output display means (see col 5 lines 42 –65).

Regarding claim 16, wherein the information resource is Internet based (see supplemental content 58 in fig. 2).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6 and 8 – 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Matthews, III et al (US 6,025,837).

Regarding claim 6, Matthews discloses providing supplemental content based on a viewers viewing tendencies but fails to disclose providing advance information relates to a pre-determined number of the viewer's favorite programmes.

Official Notice is taken a means for determining a viewers viewing tendencies would have been to determine what programs the viewer watch's most often to determine the viewer's most favorite programs. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to include the claimed limitation to provide a user with advance supplemental content for those programs the user watches the most i.e. a user's favorite programs.

Regarding claim 8, Matthews discloses viewing supplemental content with the EPG but Matthews fails to disclose the claimed providing an indication during broadcast of the material to be broadcast that additional multimedia is available, wherein the URL is inserted into the broadcast stream to determine when the indication is to be provided to the viewer.

Official Notice is taken that it would have been well known to provide view additional information by displaying a URL simultaneously with the broadcast program that additional information is available. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to include the claimed limitation for the benefit of providing the user with additional information relating to the program while the user view's the programs.

Regarding claim 9, Matthews discloses viewing supplemental content with the EPG but Matthews fails to disclose the claimed multi-media material is viewable simultaneously with the broadcast program by means of a split screen or screen insert.

Official Notice is taken that it would have been well known to provide view additional information simultaneously with the broadcast program by means of a split screen or screen insert for providing the user with additional information within a program. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to include the claimed limitation for the benefit of providing the user with additional information relating to the program while the user view's the programs.

Regarding claim 10, Matthews fails to disclose the claimed wherein received and cached multimedia material to be broadcast is time-locked so as to be available to a viewer only a certain times.

Official Notice is taken time-locking saved material so that a user can access the material at certain times ensure greater system control . Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Matthews to include the claimed limitation to ensure the viewer only access the additional information at the correct time i.e. closer to the broadcast time to provide greater system control.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ellis et al (US 2004/0117831) – Interactive TV program guide


Klosterman et al (US 6,469,753) – Information system

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
6/23/05


VIVEK SRIVASTAVA
PRIMARY EXAMINER